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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/777,298	02/12/2004	Paul G. Conley	LINI 5666.4	5271
321	7590	07/30/2004	EXAMINER	
SENNIGER POWERS LEAVITT AND ROEDEL ONE METROPOLITAN SQUARE 16TH FLOOR ST LOUIS, MO 63102			MCANULTY, TIMOTHY P	
			ART UNIT	PAPER NUMBER
			3682	

DATE MAILED: 07/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/777,298

Applicant(s)

CONLEY ET AL.

Examiner

Timothy P McNulty

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 2/12/2004.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-8, 11, and 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Isenbarger in view of Kotyk.

Isenbarger discloses in figure 3 a sealing assembly comprising a low pressure seal member 22 in sealing contact between a pin member 10 and a body member 12 having an opening and a high pressure seal member 17 in sealing contact between said pin member and said body member; wherein said low pressure seal member has a generally flat annular shape; and wherein said high pressure seal is a cup seal having an annular shape. Isenbarger does not disclose said pin extending from a reciprocal piston of a lubricant injector. However, Kotyk teaches in figure 3, a sealing apparatus 40, 42 sealing engaged with a pin 32 connected to a reciprocal piston 18 of a lubricant injector wherein an end of said pin engages a stop 16 limiting the stroke of said reciprocal piston. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the apparatus of Isenbarger to connect the pin member to a reciprocal piston of a lubricant injector in view of the teachings of Kotyk that it is old and well known in the art to provide sealing to a pin of a lubricant injector.

3. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Isenbarger in view of Kytok as applied to claims 1-8, 11, and 13-14 above, and further in view of Valente.

The reference combination set forth above discloses the basic apparatus and further discloses that said low pressure seal member may be fabricated of any desirable flexible and compressible material but does not specifically disclose said low pressure seal member made from nylon. However, Valente teaches in the abstract, a sealing member in sealing contact between a pin member and a body member wherein said sealing member is made from nylon. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the apparatus of Isenbarger in view of the teachings of Valente to provide said low pressure sealing member made from nylon so as to provide a hard but firmly resilient plastic sealing member.

4. Claims 10, 12, 15, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Isenbarger in view of Kytok as applied to claims 1-8, 11, and 13-14 above, and further in view of Hennells.

The reference combination set forth above discloses the basic apparatus and further discloses that said high pressure seal member may be fabricated of molded synthetic or natural rubber of comparable resilient material but does not specifically disclose said high pressure seal member made from polyurethane. However, Hennells teaches in lines 57 to 64 of column 6 a sealing ring made from polyurethane. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the apparatus of Isenbarger in view of the teachings of Hennells to provide said high pressure sealing member made from polyurethane so as to provide a high pressure sealing member having a limited amount of elasticity while retaining substantial stiffness and strength to reduce any undesired deformation.

Regarding claims 12, 15, and 16 the reference combination set forth above does not disclose said low pressure sealing member press fit in the opening. However, Hennells further teaches seal

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42 in sealing contact with a pin and a body wherein said seal is press fit in said body. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the apparatus of Isenbarger in view of the teachings of Hennells to provide said low pressure sealing member to be press fit in the opening so as to reduce leakage between said low pressure sealing member and said body.

Said high pressure sealing member is shown in figures 3,5,8 of Isenbarger to be always in contact with said body and therefore is press fit therein.


### *Conclusion*

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy P McNulty whose telephone number is 703.308.8684. The examiner can normally be reached on Monday-Friday (7:30-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bucci can be reached on 703.308.3668. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

tpm 

 7/27/04  
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